



APPLICATION ACCEPTED: March 26, 2014  
DATE OF PUBLIC HEARING: June 25, 2014  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

---

June 18, 2014

## STAFF REPORT

SPECIAL PERMIT SP 2014-BR-029

### BRADDOCK DISTRICT

**APPLICANT:** Sukon Ko

**OWNERS:** Sukon Ko  
Hyang Ran Ko

**LOCATION:** 4149 Elizabeth Lane, Annandale, 22003

**SUBDIVISION:** Truro, Section 4

**TAX MAP:** 58-4 ((21)) 15

**LOT SIZE:** 10,530 square feet

**ZONING:** R-2, Cluster

**ZONING ORDINANCE PROVISION:** 8-914

**SPECIAL PERMIT PROPOSAL:** To permit a reduction to the minimum rear yard requirements based on error in building location to permit additions to remain 16.9 feet and 14.2 feet from the rear lot line.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



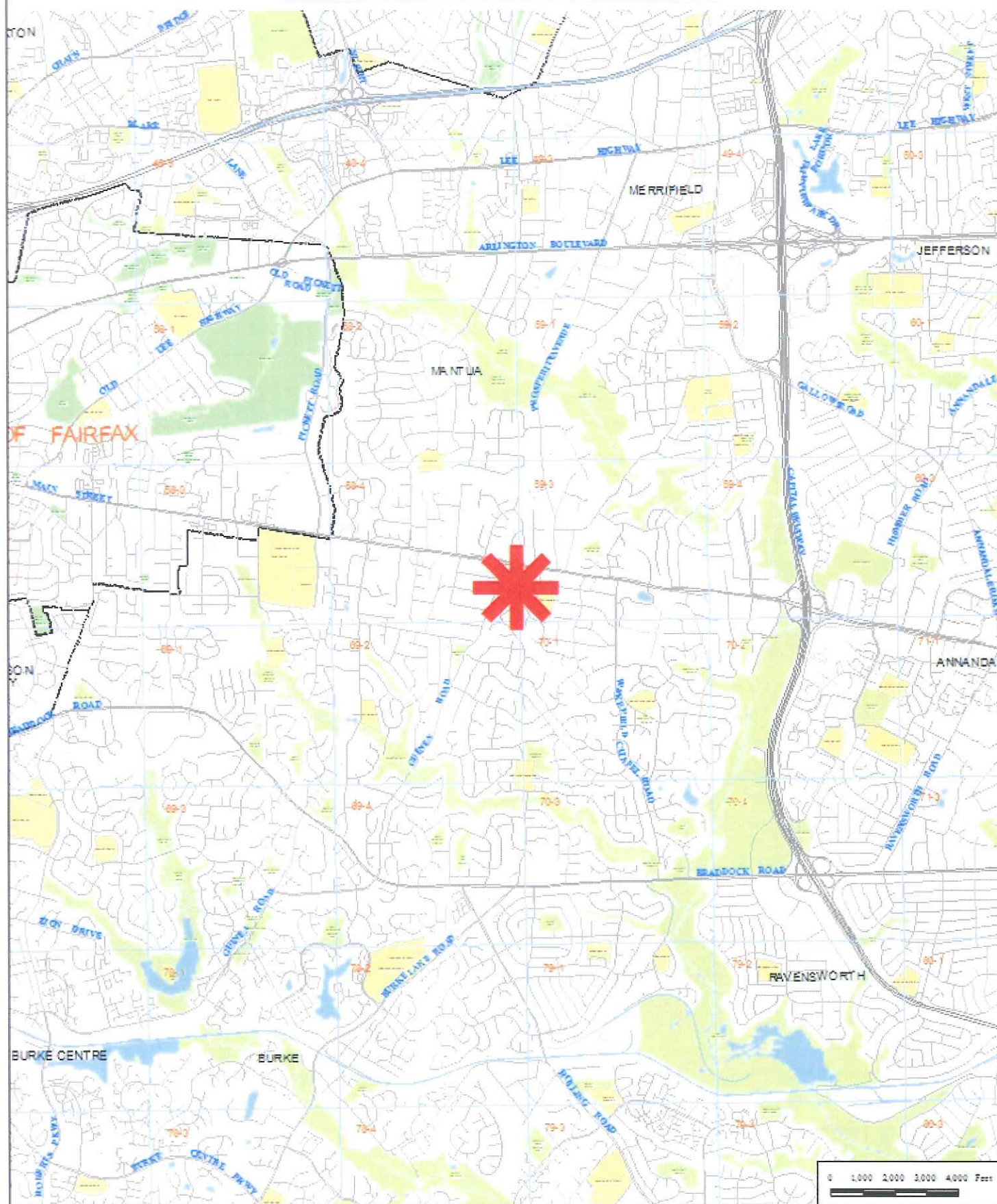
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



**Special Permit**  
**SP 2014-BR-029**  
**SUKON KO**

**Special Permit**  
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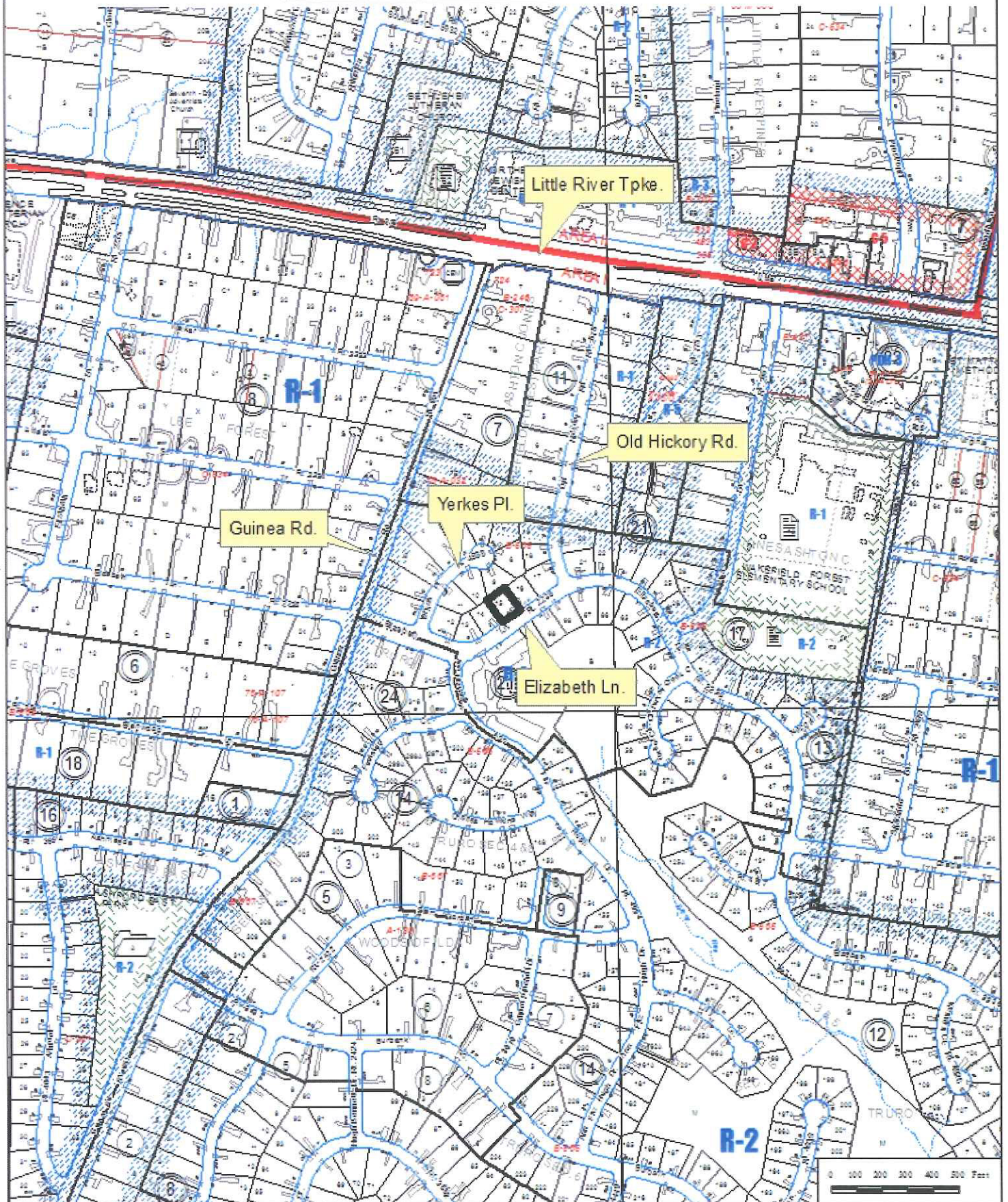




# Special Permit

SP 2014-BR-029

SUKON KO





NOTES

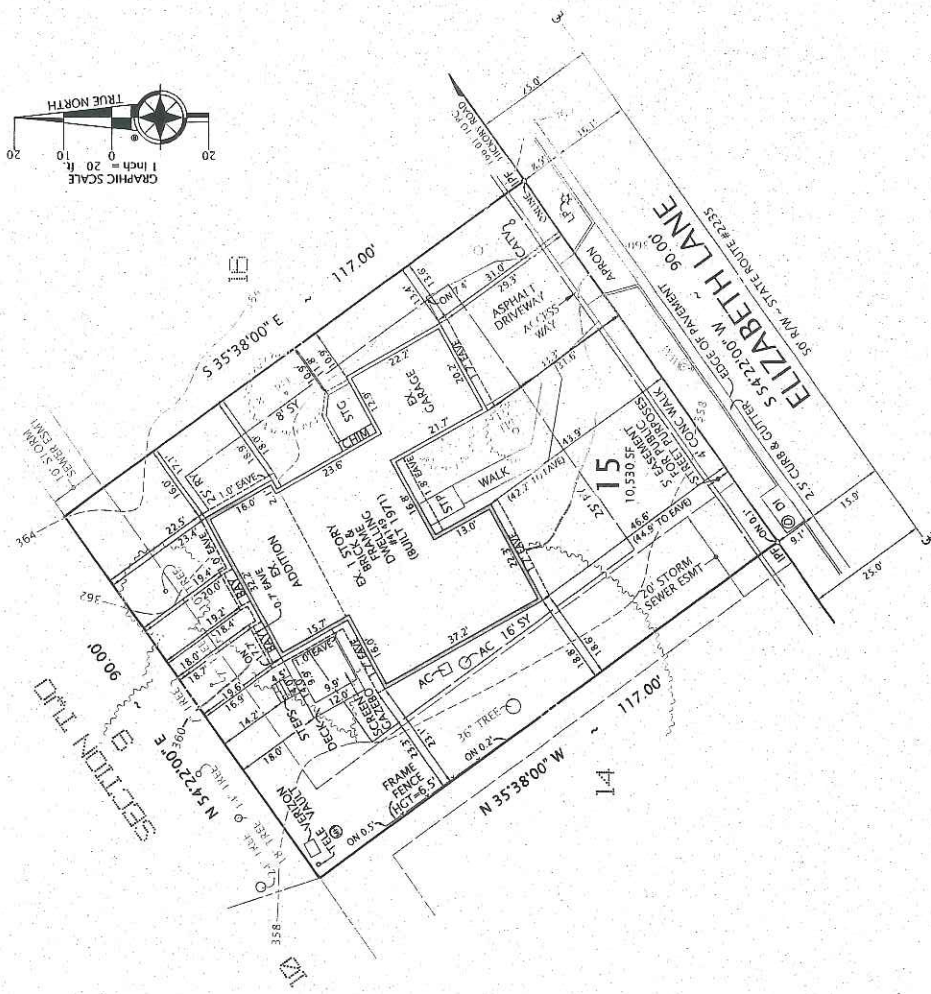
1. TAX MAP: 58-4-021-0015
2. ZONE: R-2C (R-2 w/CLUSTER DEV)
3. LOT AREA: 10,530 SF (0.2417 ACRE)
4. REQUIRED YARDS:
 

FRONT:	=	25.0 FEE
SIDE:	=	8.0 MIN
REAR:	=	25.0 FEE
5. HEIGHTS:
 

EX. DWELLING	=	17.0 FEE
EX. GAZEBO	=	14.3 FEE
EX. DECK	=	04.3 FEE
EX. FENCES	=	AS NOTE
EX. STG	=	10.6 FEE
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRADUAL BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITIES 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE AERIAL PHOTOGRAPHS.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
 

EX. BASEMENT	=	941 SF
EX. FIRST FLOOR	=	2,366 SF
EX. GROSS FLOOR AREA	=	3,307 SF

EX. FLOOR AREA RATIO: EX. GFA (3307) / LOT AREA (10530) = 0.31



PLAT  
SHOWING THE IMPROVEMENTS ON  
LOT 15, SECTION FOUR

TRURO  
(DEED BOOK 3038, PAGE 419)  
FAIRFAX COUNTY, VIRGINIA  
BRADDOCK DISTRICT

SCALE: 1" = 20' SEPTEMBER 18, 2013

I HEREBY CERTIFY THAT THE PORTIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THE DATE:

THIS PLAT IS SUBJECT TO  
RESTRICTIONS OF RECORD.  
A TITLE REPORT WAS NOT FURNISHED.  
NO CORNER MARKERS SET.



FRONT OF DWELLING (9-18-13)



REAR ADDN. (9-18-13)



REAR DECK (9-18-13)























































## **DESCRIPTION OF THE APPLICATION**

The applicant requests approval of a special permit to allow a modification of the minimum yard requirements based on an error in building location to permit additions to remain 16.9 feet and 14.2 feet from the rear lot line. The existing single story addition is 10.6 feet in height and the other existing addition is a deck with lattice underneath which is 4.3 feet in height. A minimum rear yard of 25.0 feet is required in an R-2 Cluster subdivision. Therefore a modification of 8.1 feet is requested for the single story addition. A modification of 10.8 feet is requested for the deck with lattice underneath.

A copy of the special permit plat depicting the structures on site titled, "Plat, Showing the Improvements on Lot 15, Section Four, Truro," prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated September 18, 2013, is included at the front of the staff report.

## **CHARACTER OF THE SITE AND SURROUNDING AREA**

The 10,530 square foot lot is developed with a one story, single family detached dwelling. A one story addition is attached to the northwest side of the dwelling. A deck with latticework underneath, a set of stairs, and a removable screened gazebo on top is also located to the northwest of the dwelling.

A garage addition, a walkway and an asphalt driveway are located to the southeast of the dwelling.

A 20 foot wide storm sewer easement is located along the southwestern property line and a 10 foot wide storm sewer easement is located along the northwestern property line. Additionally, a five foot wide easement for public street purposes is located along the southeastern property line.

A 36 inch diameter tree is located to the west of the dwelling. Additional mature trees are located throughout the property.

The property slopes from an elevation at 364 feet at the northeastern property line to an elevation of about 358 feet along the southwestern property line.

As depicted in the picture on the following page, the application property and surrounding lots are zoned R-2 and developed with cluster regulations. The properties to the north, east and west contain single family detached dwellings. The properties to the south are owned by the Truro Homes Association and one property is a recreational building and the other is open space.





## BACKGROUND

According to Fairfax County Tax Records the house was constructed in 1971 and purchased by the applicant in 1996. Copies of the building permits listed below are included in Appendix 4 of this staff report.

On August 12, 1996 a building permit was approved for the construction of an approximately 344 square foot open deck with a detached gazebo to the north of the dwelling.

On June 12, 2012, a building permit was approved for the conversion of an existing deck (mentioned above) to a sun room and a bedroom.

On July 17, 2012, a building permit was issued for the construction of a deck with steps and no hot tub to the west of the addition.

On May 10, 2013, the Zoning Administration Division determined that the one story addition constructed failed a Setback Certification. It was found that the plat was drawn to the wrong scale and therefore the addition was too close to the rear property line to be permitted by-right (Appendix 5).

Records indicate that no other applications to allow reductions in minimum required yards due to errors in building location have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.



**ZONING ORDINANCE REQUIREMENTS**

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

**CONCLUSION**

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

**APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit History
5. Setback Certification Letter dated May 10, 2013
6. Zoning Ordinance Provisions





**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2014-BR-029**

**June 18, 2014**

1. This special permit is approved for the location of the addition as shown on the plat prepared titled, " Plat, Showing the Improvements on Lot 15, Section Four, Truro, " prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated September 18, 2013.
2. All applicable permits and final inspections shall be obtained for the one-story addition and the deck with lattice within 180 days of the approval of this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.





Application No.(s):

**SP 2014-BR-029**

(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**DATE: 8/23/13  
(enter date affidavit is notarized)I, Michael Ko, do hereby state that I am an  
(enter name of applicant or authorized agent)(check one) ☒ applicant  
☐ applicant's authorized agent listed in Par. 1(a) below

121906

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Sukon Ko	4149 Elizabeth VA Annandale VA 22003.	owner
Michael Ko	4149 Elizabeth VA Annandale VA 22003.	Agent / son
Hyang Parko	4149 Elizabeth VA Annandale VA 22003.	owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s):

SP 2014-BR-029

(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/23/13  
(enter date affidavit is notarized)

121906

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.



Application No.(s):

SP 2014 - BR - 029

(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/23/13  
(enter date affidavit is notarized)

121906

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☒ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2014-BR-029

(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/23/13  
(enter date affidavit is notarized)

121906

1(d). One of the following boxes must be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.



Application No.(s):

SP 2014-BR-029

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/23/13  
(enter date affidavit is notarized)

12906

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[ ] Applicant

[x] Applicant's Authorized Agent

Michael Ko

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 23 day of August 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Heavenly

Notary Public

My commission expires: 06/30/2016



ITALIA M. CONTRERAS MEJIA  
NOTARY PUBLIC 7534943  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JUNE 30, 2016





SPECIAL PERMIT STATEMENT OF JUSTIFICATION

Two story old colonial style house, which includes an underground  
 walk-in basement and an upper level. We planned on getting  
 in addition after we paid off the house. We went off the  
 measurements of the house plan; we submitted through Fairfax  
 County permits office. As it seems that our plat was drawn to  
 a different scale. Was supposed to be drawn to a 1" = 20 but was  
 shown to be drawn at a 1" = 30, as the letter shows from May 10,  
 2013 from the setback office. And now we don't meet  
 the 25 ft minimum requirements for the rear lot to the  
 new addition. Currently we are 19.6 ft from the rear lot.  
 We apologize for the mix up! It was a mere error in the  
 measurement process.

Thank you.

Sincerely,

Sukon Ko



Michael Ko



RECEIVED  
 Department of Planning & Zoning

JUL 26 2013

Zoning Evaluation Division

A) The error exceeds ten (10) percent of the measurement involved and we followed the building plans and didn't know the Building permit plan submitted in June 2013 was off by couple feet, ~~was~~ done in good faith.. such reduction will be detrimental to our finances and but not detrimental to the use and enjoyment of other properties. (none of my neighbors complained). This won't create an unsafe condition with respects to both other properties and public streets. To force compliance with the minimum yard requirements would cause unreasonable hardships upon the owner financially and mentally. (stress). and every thing was w/it with all zoning district regulations.

- Michael Ko. (Agent).



1/2/14.

Sukon. Ko.

RECEIVED  
Department of Planning & Zoning

JAN 02 2014

Zoning Evaluation Division



Deficient 5.00

We initially had our plats set according to the Fairfax County Permits requirements, but somewhere during the building period. We missed our measurements or misread our plats because we ended up over shooting our required minimum. The New addition will serve as our sun room/living room and a bedroom for our son. There are no toxic or hazardous materials on the property, and we are following all waste management regulations according to Fairfax County provisions. We built a 10x10 deck coming out from the sun room/ living room area.

SUKON KO



Michael Ko



RECEIVED  
Department of Planning & Zoning

OCT 17 2013

Zoning Evaluation Division

Deficient: 5.08

There are no hazardous or toxic substances set on the property, and all waste management regulations are being followed. Also we followed all development provisions. For Deficient 5.09.

SUKON KQ  
*[Signature]*  
Michael KQ  
*[Signature]*

RECEIVED  
Department of Planning & Zoning

OCT 17 2013

Zoning Evaluation Division



**Land Development Information History: FIDO - DECK - 962227225****Permit Information**

Permit Number:	962227225	Application Date:	
Permit Type:	DECK	Tax Map:	058-4 ((21)) 0015
Job Address:	004149 ELIZABETH LA	Permit Status:	Permit Issued
	ANNANDALE , VA 22003-3647	Bldg:	Floor: Suite:
Location:		Permit Fee:	\$56.00
Subdivision:	TRURO		
Magisterial District:	BRADDOCK		
Subcensus Tract:			
AP (Tenant) Name:	NA		
Work Description:	SFD/BUILD DECK/NO HOT TUB//XDM S1 WITH DETACHED GAZEBO		
Type of Work:	DECK		
Building Use:	SFD - SINGLE FAMILY DWELLING		
Standard:	0292 - CABO 1992		
Plan Number:	W-96-03935		
Parent Permit:	NA		
ISIS Permit:	96222B0810		
Type of Const:	5B		
Use Group:	R4		
Comments:			

Link to FIDO record : [962227225](#)**Owner Information**

Owner:	KO SU K
Address:	4149 ELIZABETH LA

City: ANNANDALE State: VA  
Zip: 22003

**Contractor Information**

Name: OWNER IS CONTRACTOR

Address:

City: State: VA Zip:

Trade Name:

BPOL License:

State License:

Trade Reg.:

**Applicant Information**

Applicant: SU KON KO

Address:

City: State: Zip:

**Other Contact Information**

Contact: SU KON KO

Address:

City: State: Zip:

**Inspections****Inspection - C FINAL - FINAL INSPECTION - 4655030**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
C FINAL				None	NO	

**Inspection - R FTGDECK - 2786419**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FTGDECK	1996-08-20		N	Failed	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

**Inspection - R FTGDECK - 2786420**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FTGDECK	1996-08-21		N	Failed	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

**Inspection - R FTGDECK - 2786421**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FTGDECK	1996-08-22		N	Failed	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:

**Inspection - R FTGDECK - 2786422**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments



Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FTGDECK	1996-08-27		N	Passed	NO	Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit: Inspection Comment:2 PIERS ONLY

**Reviews****Review - BUILDING - (BUILDING REVIEW) - 1188327**

Review Type	Review Date	Reviewer	Started	Status
BUILDING	1996-08-12		Y	Approved

**Review - SITEPERMIT - (SITE PERMITS REVIEW) - 1188328**

Review Type	Review Date	Reviewer	Started	Status
SITEPERMIT	1996-08-09		Y	Approved

**Review - REALESTATE - (REAL ESTATE REVIEW) - 1188329**

Review Type	Review Date	Reviewer	Started	Status
REALESTATE	1996-08-09		Y	Approved

**Review - ZONING - (ZONING REVIEW) - 1188330**

Review Type	Review Date	Reviewer	Started	Status
ZONING	1996-08-09		Y	Approved

**Contact Us:** [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)  
**Phone:** [County Main Number - 703-FAIRFAX \(703-324-7329\)](#), TTY 711 | [County Phone Listing](#)

[ADA Accessibility](#) | [Website Accessibility](#)

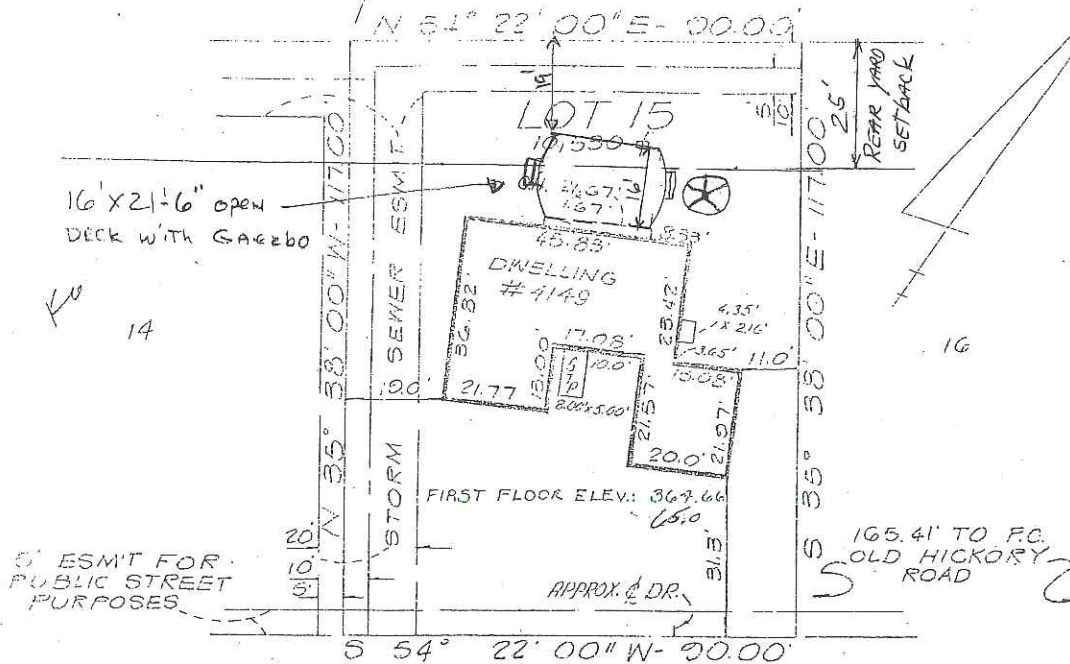
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# SECTION TWO

**FINAL**  
**APPROVAL**

ZONING ADMINISTRATOR  
DATE OCT 24 1972



ELIZABETH LANE

APPROVED

50' R/W

ZONING BRANCH

16' x 21'-6" open  
Deck with detached  
Gazebo

JUL 3 1972

Zoning Administrator

HOUSE LOCATION  
LOT 15 SEC. 4

Office of Inspections  
Fairfax County, Virginia

**THUR**

ANNANDALE DISTRICT, FAIRFAX COUNTY, VIRGINIA

Scale: 1" = 30'

Date: Wall Check: 5-20-71  
Final Check: 7-21-71

DEWBERRY, HEALON & DAVIS

ENGINEERS - PLANNERS - SURVEYORS

8411 ARLINGTON BOULEVARD, FAIRFAX, VIRGINIA

I hereby certify the position of all existing improvements on the above described property have been carefully established by a transit-tape survey and that unless otherwise shown there are no encroachments either way across the property line

TITLE REPORT NOT FURNISHED

Prepared by:

Drawn by:

Checked by:

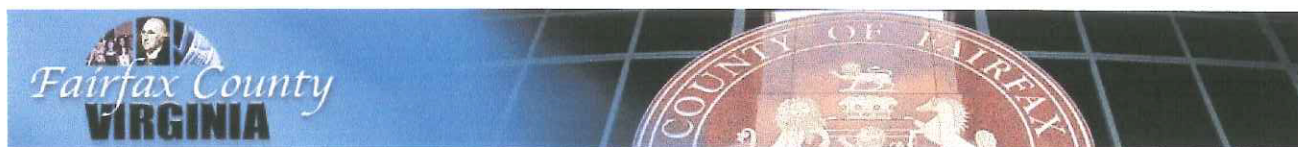
Checked by:

**Expiration of Permit Applications and Permits:** A permit application shall expire six months after notification that the application is defective unless the applicant has diligently sought to resolve any problems that are delaying issuance of the permit. A permit application shall also expire if the permit is not procured by the applicant within six months after the permit application is approved. Filing fees for expired permit applications are not refundable. An issued permit is non-transferable and shall become void if the authorized work has not commenced within six months after issuance, or if the work is suspended for a period of six or more months after having commenced. Requests for permit extensions may be made in writing to the Permits Branch of the Department of Environmental Management. Requests must be received prior to the expiration of the permit. Expired permits cannot be extended.

**Notification of Utilities:** The permit holder is required to notify all utilities before commencing any underground construction and must receive the proper clearances from the utilities as prescribed in the Code of the County of Fairfax. (Miss Utility 1-800-257-7777)

**Right of Appeal:** Decisions of the Building Official may be appealed to the Fairfax County Building Code Board of Appeals in accordance with the Virginia Uniform Statewide Building Code, the Code of the County of Fairfax and the Board's current procedures.



**Land Development Information History: FIDO - ADDITION R - 121630047****Permit Information**

**Permit Number:** 121630047      **Application Date:**

**Permit Type:** RESIDENTIAL ADDITION      **Tax Map:** 058-4 ((21)) 0015

**Job Address:** 004149 ELIZABETH LA      **Permit Status:** Permit Issued  
ANNANDALE , VA 22003-3647      **Bldg:**      **Floor:** **Suite:**

**Location:**      **Permit Fee:**

**Subdivision:** TRURO

**Magisterial District:** BRADDOCK

**Subcensus Tract:**

**AP (Tenant) Name:**

**Work Description:** CONVERT EXISTING DECK TO SUNROOM AND BEDROOM

**Type of Work:** ADDITIONAL STORIES

**Building Use:** SFD - SINGLE FAMILY DWELLING

**Standard:** IR09 - IRC 2009

**Plan Number:** W-12-3639

**Parent Permit:**

**ISIS Permit:**

**Type of Const:** VB

**Use Group:** R5

**Comments:**

**Link to FIDO record :** [121630047](#)

**Owner Information**

**Owner:** KO SU K

**Address:** 4149 ELIZABETH LN

**City:** ANNANDALE **State:** VA **Zip:**

22003

**Contractor Information**

Name: OWNER IS CONTRACTOR

Address:

City: State: VA Zip:

Trade Name:

BPOL License:

State License:

Trade Reg.:

**Applicant Information**

Applicant:

Address:

City: State: Zip:

**Other Contact Information**

Contact:

Address:

City: State: Zip:

**Inspections****Inspection - R FOOTING - FOOTING INSPECTION - 5715108**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FOOTING	2012-07-12	JIM BASSARAB	N	Failed	NO	footing within 5ft of house need to be at house footing depth

**Inspection - R FRAMING - FRAMING INSPECTION - 5715109**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2012-07-31	JOHNNY VANNOY	N	Failed	NO	submit truss drawings. need research report for decking and rails. stairs stringer spacing for composit decking. missing laterail bracing . missing hold down devices at rail post.

**Inspection - R INSLATION - INSULATION INSPECTION - 5715110**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R INSLATION	2012-08-03	JIM BASSARAB	N	Failed	NO	need to have an approved mechanical permit

**Inspection - R FOOTING - FOOTING INSPECTION - 5743122**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FOOTING	2012-07-13	JOHNNY VANNOY	Y	Passed	NO	all but 2 marked on plans and the deck footings.

**Inspection - R FRAMING - FRAMING INSPECTION - 5760895**

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2012-08-02	LARRY VANNOY	N	Passed	NO	



Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
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**Reviews****Review - ZONING - (ZONING REVIEW) - 2127889**

Review Type	Review Date	Reviewer	Started	Status
ZONING	2012-06-11	REBECCA GOODYEAR	Y	Approved

**Review - BUILDING - (BUILDING REVIEW) - 2128102**

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2012-06-12	CHRISTIANNA RABER	Y	Approved

**Review - SETBACK - (SETBACK CERTIFICATION REVIEW) - 2128356**

Review Type	Review Date	Reviewer	Started	Status
SETBACK	2013-05-10	GETACHEW TADESSE	Y	Failed

**Review - ZONING - (ZONING REVIEW) - 2127878**

Review Type	Review Date	Reviewer	Started	Status
ZONING	2012-06-11	MARIE LANGHORNE	Y	Failed

**Review - SITEPERMIT - (SITE PERMITS REVIEW) - 2127879**

Review Type	Review Date	Reviewer	Started	Status
SITEPERMIT	2012-06-11	BRANDY DYER	Y	Approved

**Review - BUILDING - (BUILDING REVIEW) - 2127880**

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2012-06-11	SYNDEE GROVES	Y	Failed

**Review - SETBACK - (SETBACK CERTIFICATION REVIEW) - 2222506**

Review Type	Review Date	Reviewer	Started	Status
SETBACK			N	Incomplete

**Contact Fairfax County:** [Phone](#), [Email](#) or [Twitter](#) | **Main Address:** [12000 Government Center Parkway](#), Fairfax, VA 22035  
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**Building Permit  
Zoning Review**

*This document does not reflect the final  
Building Permit approval.*

7/17/12 11:00:46AM

Bldg Permit #:

**121990080**

**DECK**

**Address:** 4149 Elizabeth La Annandale VA 22003-3647

Bldg: N/A Floor: Suite: N/A

**Subdiv:** Truro Lt 15 Sec 4

**Sub Census:** 408.03 **Lot Size:** 10,530.00

**Tax Map:** 0584 21 0015

**Owner:** Ko Su K

**Phone Day:** (571)233-6497 x

**Evening:**

**Contractor:**

OWNER IS CONTRACTOR  
(999) 999-9999

**Type of Work:** DECK

**Description of Work:** deck with steps no hot tub per plans

**Specific Description of Work:**

**Stairs:** Y **Hot Tub:** N **Multi level:** N **Single Span:** N

**ZPRB Review:**

**Date**

7/17/12

**Status**

AM00R4

Approved

**Zoning Detail Review TAB:**

Zoning Dist.	Cluster Subdiv.	Use	ADU Subdiv	Proffer
R-2	Y	SFD	N	N

**Yard/Setbacks:**

Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear	Structure Dimension	Height	Structure Type
	0.00	0.00	0.00	23.00	0.00	19.00	12 x 12	3.00	OPEN

**Dimensions:**

Is Deck Attached? YES

**DETAILS COMMENTS:**

permit on file fro addn deck attaches to



A SETBACK CERTIFICATION BASED  
ON FIELD SURVEY IS REQUIRED  
PRIOR TO RUP ISSUANCE OR  
FINAL INSPECTION

SECTION TWO

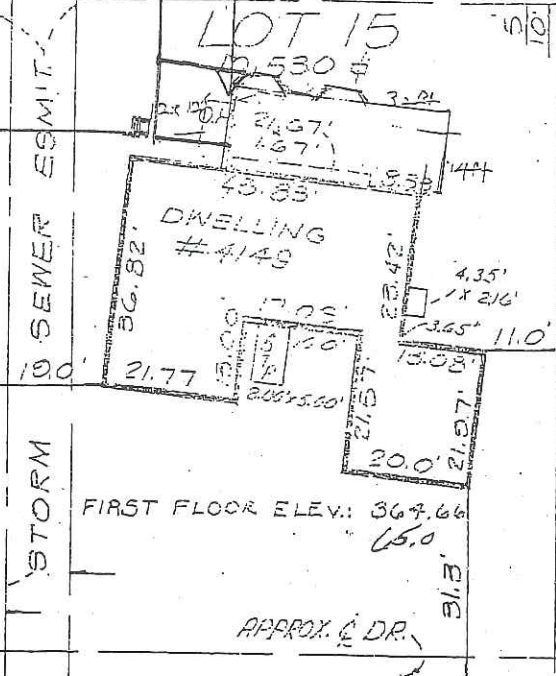
FINAL  
APPROVAL

ZONING ADMINISTRATOR  
DATE OCT 24 1972

N 54° 22' 00" E - 90.00'

23

N 35° 38' 00" W - 17.00'



S 35° 38' 00" E - 17.00'

165.41' TO P.C.  
OLD HICKORY  
ROAD

S 54° 22' 00" W - 90.00'

ELIZABETH LANE

sun room / bay windows 50' R/W

APPROVED

*Edna M. Helene*

Zoning Administrator

HOUSE LOCATION  
LOT 15 SEC. 4

TRURO

ANNANDALE DISTRICT, FAIRFAX COUNTY, VIRGINIA

Scale: 1" = 30' Date: Wall Check: 3-30-71  
Final Check: 7-21-71

DEWBERRY, KEALON & DAVIS  
ENGINEERS - PLANNERS - SURVEYORS

8411 ARLINGTON BOULEVARD, FAIRFAX, VIRGINIA

I hereby certify the position of all existing improvements on the above described property have been carefully established by a transit-tape survey and that unless otherwise shown there are no encroachments either way across the property line

TITLE REPORT NOT FURNISHED

Reference: Drawn by: S.W. / JP

D.B. / P. / 22 Checked by: MK / DO

ZONING BRANCH

JUL 3 1972

Division of Inspections  
Fairfax County, Virginia

CERTIFIED CORRECT







# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

May 10, 2013

Mr. Sukon Ko  
4149 Elizabeth Lane  
Annandale, Virginia 22003



Re: Setback Certification – Building Permit #121630047  
4149 Elizabeth Lane  
Truro, Section 4, Lot 15  
Tax Map Ref: 58-4 ((21)) 15  
Zoning District: R-2

Dear Mr. Ko:

This letter is in response to your request for approval of the setback certification for an addition pursuant to Building Permit #121630047. The property was developed as a cluster subdivision under the R-2 District regulations. Cluster subdivisions in the R-2 District are subject to a minimum front yard requirement of 25 feet; minimum side yard requirements of 8 feet, and a total minimum side yard requirement of 24 feet; and a minimum rear yard requirement of 25 feet. The setback certification has been failed due to the following:

- The plat is drawn to a 1" = 20' scale but is shown at a 1" = 30' scale.
- The addition is located at 19.6 feet from the rear lot line and does not meet the 25 foot minimum required rear yard.
- Although not scaled, the bay window is measured to be approximately 17.5 feet from the rear lot line. Bay windows which are not more than 10 feet in width can encroach 3 feet into any minimum required yard. The distance between the bay window, including any eave, and the rear property line must be shown on the setback certification plat.

For the setback certification to be approved the addition could be remodeled to meet the 25 feet minimum required rear yard. Enclosed is a copy of the failed setback certification and the Technical Memorandum regarding setback certifications. Alternatively, a reduction of the minimum required yard or an error in building location special permit could be sought from the Board of Zoning Appeals (BZA) for the encroachment. All special permits require the submission of an application, plat and fee; notification of adjacent property owners; and a public hearing before the BZA. Information pertaining to the special permit process is available from the Zoning Evaluation Division by calling 703-324-1290. If you choose to modify the structure, a revised building permit will be required. For information related to building permits, please call 703-222-0801. With all alternatives, a revised setback certification will be required. Please address the above and resubmit five copies of the new setback certification plat.

4149 Elizabeth Lane  
May 10, 2013  
Page 2

Your cooperation in this matter is greatly appreciated. Please be advised that an inspection hold has been placed on the Building Permit. If you have any questions regarding this response, please feel free to contact me at 703-324-1314.

Sincerely,



Getachew A. Tadesse  
Assistant to the Zoning Administrator

cc: John C. Cook, Supervisor, Braddock District  
Leslie B. Johnson, Zoning Administrator  
Lorrie Kirst, Senior Deputy Zoning Administrator  
Diane E. Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch  
Charles O'Donnell, Residential Inspections Division, DPWES  
Bijan Sistani, Acting Director, Site Development and Inspections Division, DPWES

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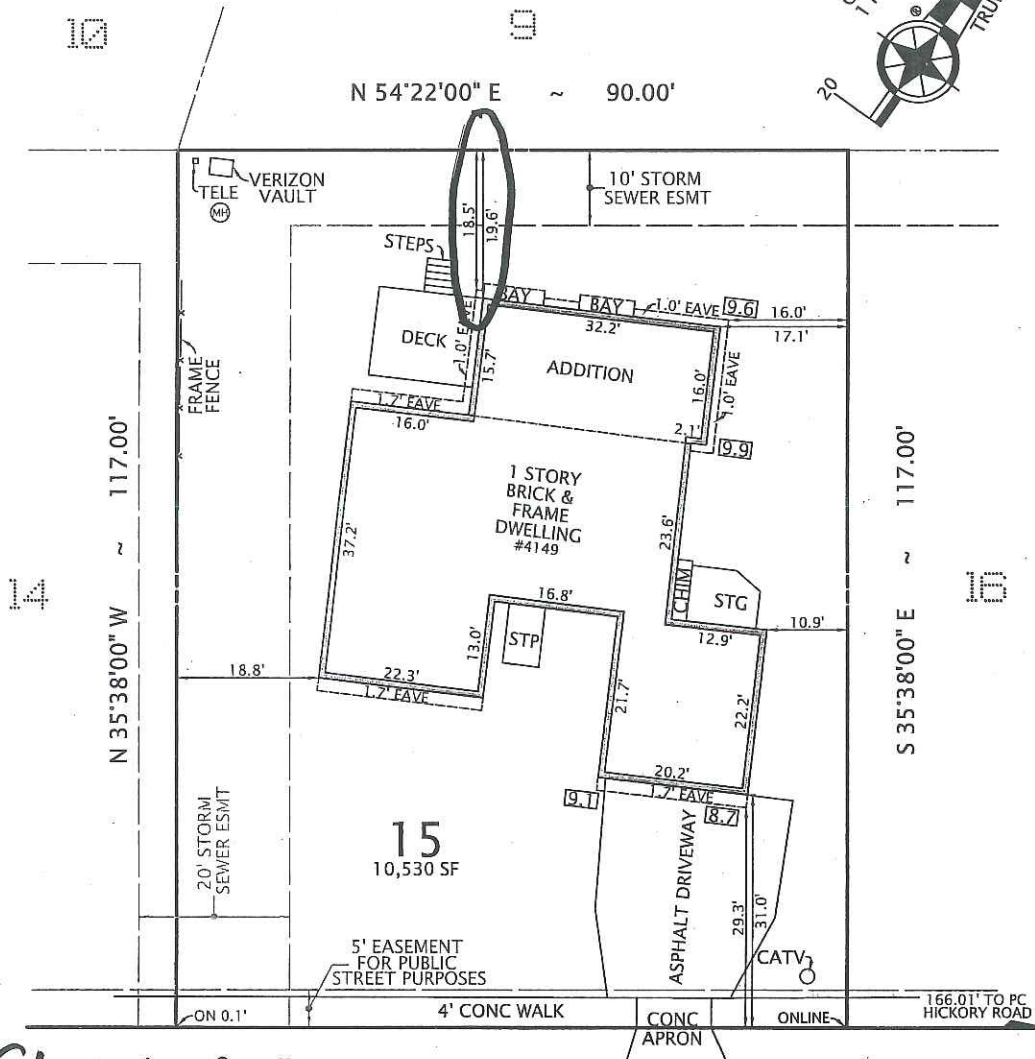
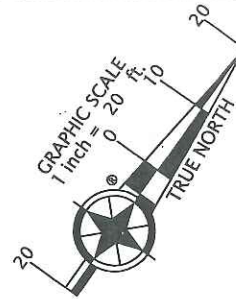


- NOTES: 1. UTILITIES ARE UNDERGROUND.  
 2. EAVE HEIGHTS ARE SHOWN IN BOXES. [9.1]  
 3. EAVE HEIGHTS ARE GREATER THAN 10 FEET ABOVE GRADE UNLESS NOTED.

## SECTION TWO

9

N 54°22'00" E ~ 90.00'



*Setback Cert.  
 failed.  
 JAS  
 05/10/13*

S 54°22'00" W ~ 90.00'  
**ELIZABETH LANE**

50' R/W ~ STATE ROUTE #2235

PLAT

SHOWING HOUSE LOCATION ON  
 LOT 15, SECTION FOUR

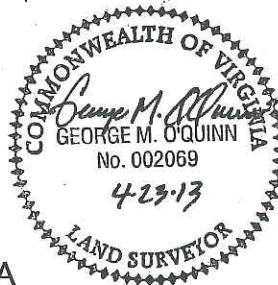
**TRURO**

(DEED BOOK 3038, PAGE 419)

**FAIRFAX COUNTY, VIRGINIA**  
 BRADDOCK DISTRICT

SCALE: 1" = 30'

APRIL 23, 2013 (SETBACK CERT.)

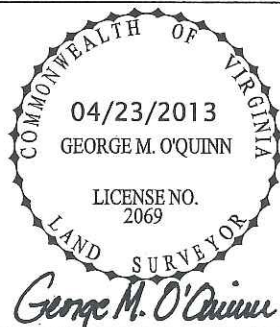


I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.



ORDERED BY:

MICHAEL KO

**DOMINION** Surveyors Inc.®

8808-H PEAR TREE VILLAGE COURT  
 ALEXANDRIA, VIRGINIA 22309  
 703-619-6555  
 FAX: 703-799-6412





### **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.



8-914

**Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location**

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
  - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of well and/or septic field.
  - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
  - A. The error exceeds ten (10) percent of the measurement involved, or
  - B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
  - C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
  - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
  - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
  - F. It will not create an unsafe condition with respect to both other property and public streets, and
  - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
  - H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.



4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.